



*T. Garabedian*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re Application : Jörgen Carlsson, et al.  
Serial No. : 10/563,310  
Filed : May 12, 2006  
For : POLYPEPTIDES HAVING BINDING  
AFFINITY FOR HER2  
Examiner :  
Attorney Docket : 102821-202  
Group Art Unit :  
Confirmation No. : 6946  
Customer No. : 27267

\*\*\*\*\*

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on 11 DEC 2008.

By *Todd E. Garabedian*  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicants

\*\*\*\*\*

Mail Stop SEQUENCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE COMMUNICATION REGARDING**  
**NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**  
**AND SUBMISSION OF SUBSTITUTE SEQUENCE LISTING**

Dear Sir:

With respect to the Official Communication regarding the Sequence Listing mailed November 19, 2008, Applicants submit herewith a substitute sequence listing to correct errors noted by the Office. A paper copy of the sequence listing, as well as a computer readable (CD) form of the same, is enclosed herewith.

Filed May 12, 2006

Applicants herein request the enclosed sequence listing be entered into the above-identified application.

**Applicants state that with regard to the Sequence Listing, the information recorded in computer readable form is identical to the written sequence listing. Applicants submit no new matter is added herewith.**

While Applicants believe no fee is currently due, Applicants authorize the Office to charge Deposit Account No. 23-1665 for any fees due with respect to this Response.

A copy of the Notification is enclosed herewith.

If the Examiner believes a telephone conference would aid in the continued prosecution of this application, the Examiner is invited and encouraged to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

Jörgen Carlsson, et al.

Date 11 DEC 2008

By Todd E. Garabedian  
Todd E. Garabedian, Ph.D.  
Registration No. 39,197  
Attorney for Applicants

WIGGIN AND DANA LLP  
One Century Tower  
New Haven, CT 06508  
Telephone: (203) 498-4400  
Facsimile: (203) 782-2889



**UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10563310	5/12/2006	CARLSSON ET AL.	102821-202

WIGGIN AND DANA LLP  
ATTENTION: PATENT DOCKETING  
ONE CENTURY TOWER, P.O. BOX 1832  
NEW HAVEN, CT 06508-1832

**EXAMINER**

Rodney P.. Swartz, Ph.D.

ART UNIT	PAPER
----------	-------

1645

081117

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Art Unit: 1645

**DETAILED ACTION**

1. Applicants' Response to Sequence Requirements, received 7 December 2007, is acknowledged. However, the Computer Readable Filed is defective. Please refer to the attached printout for specific error message.
2. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./

Primary Examiner, Art Unit 1645

November 18, 2008

Application No. 10/563,310

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CAR §1.821 - §1.825 for the following reasons(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 CAR §1.821 - §1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990, and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CAR §1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CAR §1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CAR §1.822 and/or §1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing".
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CAR §1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CAR §1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as were as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CAR §1.821(e) or §1.821(f) or §1.821(g) or §1.825(b) or §1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

For Rules Interpretation, call (703) 308-1123

For CRF Submission help, call (703)308-4212

For Patent Software help, call (703) 557-0400

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE.**